

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RICHARD DURAN ADAME,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT DALLAS,

Defendant.

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Civil Action No. 3:23-CV-01333-E

**ORDER**

Before the Court are the following motions from Plaintiff Adame and Defendant University of Texas at Dallas (UTD):

1. UTD's Motion to Dismiss Plaintiff's Complaint. (**ECF No. 5**).
2. UTD's Motion to Dismiss Plaintiff's First Amended Complaint. (**ECF No. 10**).
3. Adame's Motion to Strike Pleadings and Brief in Support, (**ECF No. 11**), which seeks to strike, (ECF No. 5).
4. UTD's Emergency Motion to File Out of Time, (**ECF No. 12**), which seeks leave of court to file an Amended Motion to Dismiss, (ECF No. 12-1), and asks the Court to deem the previous motions to dismiss moot.

It is evident from the Parties' filings that they have each made effort to comport with the Court's policies, procedures, and standing order regarding motions to dismiss. Under these circumstances, the Court has determined there is good cause to grant UTD's Emergency Motion to File Out of Time, (ECF No. 12).


The Court GRANTS UTD's Emergency Motion to File Out of Time, (ECF No. 12). IT IS THEREFORE ORDERED THAT "Defendant the University of Texas at Dallas's Amended Motion to Dismiss Plaintiff's First Amended Complaint," which is attached to UTD's Emergency Motion to File out of Time as, (ECF No. 12-1), shall be deemed timely filed as of the date of this

order. **The Court ORDERS and INSTRUCTS the Clerk of the Court to immediately file “Defendant the University of Texas at Dallas’s Amended Motion to Dismiss Plaintiff’s First Amended Complaint,” (ECF No. 12-1), as a separate filing on the Court’s docket.** Adame’s response and any reply shall be governed by the Federal Rules of Civil procedure and Northern District of Texas’s Local Civil Rules. *See generally* Fed. R. Civ. P. 12; N.D. Tex. Loc. R. 7.1.

Correspondingly, the Court **DENIES as MOOT** the previously-filed (i) UTD’s Motion to Dismiss Plaintiff’s Complaint, (ECF No. 5); (ii) UTD’s Motion to Dismiss Plaintiff’s First Amended Complaint, (ECF No. 10); and (iii) Adame’s Motion to Strike Pleadings and Brief in Support, (ECF No. 11).

**SO ORDERED.**

9th day of January, 2024.

  
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ADA BROWN  
UNITED STATES DISTRICT JUDGE